IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7770 OF 2005

Atul Suryakant Kamble and another. Applicant

versus

State of Maharashtra Respondent

Sachin S. Thombre for applicant.

K.V.Saste, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th December 2005

PC :

1. The applicant has been arrested and detained in custody pursuant to registration of Crime No.285/2005 alleging offence punishable under section 302 R/W 34 IPC.. The crime has been registered at Saptashrungi Police Station, District Nashik.

2. Upon investigations being complete and upon charge sheet being filed a second application for bail was moved by the applicants herein. The learned Judge has in para no.4 of the order passed by him on 18th October 2005 rejected this

application without discussing the merits and by making general observation that filing of the charge sheet does not necessarily mean that circumstances have changed.

3. In all fairness learned APP states that this approach, under the facts and circumstances of present case, was improper.

4. Interest of justice, therefore, would be subserved if Criminal Application No.1662 of 2005 is restored to file of the Sessions Court for being disposed of on merits and in accordance with law uninfluenced by the earlier order. The present criminal application is, therefore, dispose of as not pressed. All contentions of the applicant are kept open.

(S.C.DHARMADHIKARI, J.)